

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD L. MCCOY,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

No. 1:22-cv-00789-ADA-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(ECF No. 7)

Plaintiff Reginald L. McCoy is a federal prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1346(b).

On June 28, 2022, the assigned Magistrate Judge issued findings and recommendations suggesting that Plaintiff's application to proceed *in forma pauperis* be denied because: (1) he is subject to the "three strikes" bar under 28 U.S.C. § 1915(g); and (2) the allegations in Plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to section 1915(g). (ECF No. 5.) The Magistrate Judge also recommended that Plaintiff be ordered to pay the required \$402.00 filing fee in order to proceed with this action. (*Id.* at 4.) Plaintiff did not file any objections. On August 2, 2022, the then-assigned District Judge adopted the findings and recommendations in full, ordering Plaintiff to pay the filing fee within twenty-one days of service of the order adopting. (Doc. No. 7.)

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1 Plaintiff has not paid the filing fee, and the deadline for him to do so has expired. Plaintiff
2 has not otherwise communicated with the Court.

3 Because Plaintiff has failed to obey the Court's order and pay the filing fee, this case
4 cannot proceed. The matter will be dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61
5 (9th Cir. 1992).

6 Accordingly,

- 7 1. This action is dismissed, without prejudice, for Plaintiff's failure to comply with
8 the Court's order to pay the filing fee; and
- 9 2. The Clerk of Court is directed to terminate all pending motions and deadlines and
10 close this case.

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13 IT IS SO ORDERED.

14 Dated: September 29, 2022

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UNITED STATES DISTRICT JUDGE